APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,680	12/18/2001	Darren J. Cepulis	COMP:0255 P00-3415	5698

7590   10/05/2004

Intellectual Property Administration
Legal Department, M/S 35
PO Box 272400
Ft. Collins, CO   80527-2400

EXAMINER
SURYAWANSHI, SURESH

ART UNIT	PAPER NUMBER
2115	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/023,680	CEPULIS ET AL.
	Examiner	Art Unit
	Suresh K Suryawanshi	2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _18 December 2001_.
2a) ☐ This action is **FINAL**.　　2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-20_ is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-20_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _18 December 2001_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a) ☐ All　b) ☐ Some * c) ☐ None of:
　　　1. ☐ Certified copies of the priority documents have been received.
　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Zalewski et al (US Patent no 6,647,508 B2).

4.   As per claim 1, Zalewski et al teach

allocating resources of the computing device to a plurality of resource sets prior to loading a desired O/S layer for the computing device [col. 4, lines 40-50; col. 6, lines 17-24; col. 31, lines 23-27; allocation is performed by a console program that is loaded into memory at power up]; and

loading a desired operating system on each set of the plurality of resources sets at the

desired O/S layer [col. 4, lines 48-52; col. 31, lines 23-30; running an operating system on each

of a plurality of partitions].

5.   As per claim 9, Zalewski et al teach

cataloguing resources of the computing devices prior to O/S booting for the computing

device [col. 8, lines 8-11; partitions are created based on the environment variables; col. 11, lines

19-22; device configuration tables; col. 11, lines 39-47; information contained in the template

root node];

dividing the resources into multiple subsets prior to O/S booting [col. 4, lines 40-50; col.

6, lines 17-20, 21-24; col. 31, lines 23-27; allocation is performed by a console program that is

loaded into memory at power up]; and

loading the plurality of independent operating systems, at least one O/S being loaded on

each resource set of the multiple subsets [col. 4, lines 48-52; col. 31, lines 23-30; running an

operating system on each of a plurality of partitions; col. 5, lines 42-48; col. 6, lines 48-52].

6.   As per claim 14, Zalewski et al teach

        a resource tabulator module configured to organize data on system resources for the computing device [col. 8, lines 8-11; col. 11, lines 19-22; col. 11, lines 39-47; inherent to the system as the environment variables, device configuration tables and information contained in the template root node are organized to provide the proper information for the system partitions];

        a resource divider module configured to create multiple resource sets for the computing device [col. 4, lines 40-50; col. 6, lines 17-20, 21-24; col. 31, lines 23-27; allocation is performed by a console program that is loaded into memory at power up]; and

        an operating system loader module configured to load a desired operating system on each of the multiple resource sets [col. 4, lines 48-52; col. 31, lines 23-30; running an operating system on each of a plurality of partitions; col. 5, lines 42-48; col. 6, lines 48-52].

7.   As per claim 2, Zalewski et al teach that allocating resources comprises organizing the resources in a ROM-based environment [col. 8, lines 8-11; inherent to a computer system to have a ROM containing an important module or information data].

8.   As per claim 3, Zalewski et al teach that organizing the resources in the ROM-based environment comprises gathering device data from a BIOS module [inherent to the system as a BIOS contains the important device data].

9.   As per claim 4, Zalewski et al teach that allocating resources comprises dividing the

resources in an initialization phase of the computing device [col. 6, lines 21-24; at power up].

10.   As per claim 5, Zalewski et al teach that allocating resources comprises sharing at least a

portion of the resources [col. 4, lines 43-45; col. 10, lines 29-33; shared resources].

11.   As per claim 6, Zalewski et al teach that allocating resources comprises identifying and

initializing at least a portion of the resources [col. 7, lines 16-22].

12.   As per claim 7, Zalewski et al teach that allocating comprises manually selecting desired

allocations of the resources via a user interface [col. 7, lines 44-47; col. 8, lines 22-24;

administrator or console interface].

13.   As per claim 8, Zalewski et al teach that comprising running multiple desired operating

systems at the desired O/S layer on the computing device [col. 5, lines 32-48;].

14.   As per claim 10, Zalewski et al teach that the plurality of independent operating systems

provide independent platforms for loading and running application software [col. 5, lines 42-48;

col. 6, lines 48-52; any operating system can execute concurrently independent of each other].

15.   As per claim 11, Zalewski et al teach that cataloguing, dividing and loading are

performed in an initialization phase of the computing device [col. 6, lines 21-24; at power up].

16.   As per claim 12, Zalewski et al teach that dividing the resources comprises allocating

desired portions of hardware and system services to each of the multiple subsets [col. 4, lines 40-

50; resources are adaptively subdivided to run a distinct copy of an operating system].

17.   As per claim 13, Zalewski et al teach that allocating desired portions of hardware and

system services comprises sharing the system services between the multiple subsets and the

independent operating systems loaded thereon [col. 4, lines 43-45; designated shared resources;

col. 6, lines 48-52; sharing resources between operating system instances].

18.   As per claim 15, Zalewski et al teach that the resource tabulator module and the resource

divider module are disposed in a pre-boot environment [col. 6, lines 21-24; at power up].

19.   As per claim 16, Zalewski et al teach the resource tabulator module and the resource

divider module are disposed in ROM [col. 8, lines 8-11; inherent to a computer system to have a

ROM containing an important module or information data].

20.   As per claim 17, Zalewski et al teach that the pre-boot environment comprises hardware

detection modules for the system resources [col. 6, lines 21-24; at power up].

21.   As per claim 18, Zalewski et al teach that the pre-boot environment comprises hardware driver modules for the system resources [inherent to a computer system for proper boot up].

22.   As per claim 19, Zalewski et al teach that the resource divider module comprises a user interface [col. 7, lines 44-47; col. 8, lines 22-24; administrator or console interface].

23.   As per claim 20, Zalewski et al teach that the resource divider module comprises a hardware partitioning module [col. 5, lines 32-48; col. 6, lines 17-24].
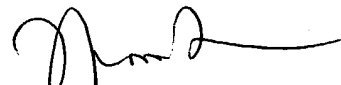
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K Suryawanshi whose telephone number is 703-305-3990 (starting 10/18/04, please use 571-272-3668). The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717 (starting 10/18/04, please use 571-272-3667). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sks

September 28, 2004

THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100